

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Art Unit : 3616
Examiner : Timothy Wilhelm
Applicant : Mark Molitor
Serial No. : 10/757,897
Filed : January 15, 2004
Confirmation No. : 4738
For : **VEHICLE SUSPENSION ASSEMBLY**

TRANSMITTAL OF APPEAL BRIEF
(PATENT APPLICATION - 37 CFR §41.37)

1. Transmitted herewith is the APPEAL BRIEF in this application, with respect to the Notice of Appeal filed on August 12, 2009.

2. **STATUS OF APPLICANTS**

This application is on behalf of other than a small entity.

3. **FEE FOR FILING APPEAL BRIEF**

Pursuant to 35 USC §41(a)(6), the fee for filing the Appeal Brief is \$540.00.

4. **EXTENSION OF TERM**

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

5. **TOTAL FEE DUE**

The total fee due is \$540.00

6. **FEE DEFICIENCY**

 x If any additional extension and/or fee is required, this is a request therefor and to charge Account No. 16 2463.

and/or

 x If any additional fee for claims is required, charge Account No. 16 2463.

Respectfully submitted,

Dated: October 12, 2009

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APPEAL BRIEF (37 CFR §41.37)

This brief is in furtherance of the Notice of Appeal, filed in this case on August 12, 2009.

The fees required under 35 USC 41(a)(6), and any required petition for extension of time for filing this brief and fees therefor, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief contains these items under the following headings, and in the order set forth below (37 CFR §41.37(c)):

- I. Real Party in Interest
- II. Related Appeals and Interferences
- III. Status of Claims
- IV. Status of Amendments
- V. Summary of Claimed Subject Matter
- VI. Grounds of Rejection to Be Reviewed on Appeal
- VII. Argument
- VIII. Conclusion

Appendix of Claims Involved in the Appeal

Evidence Appendix

Related Proceedings Appendix

The final page of this brief bears the attorney's signature.

I. Real Party in Interest

The real party in interest in this application is The Holland Group, Inc.

II. Related Appeals and Interferences

There are no other related appeals or interferences known to the Applicant or the Applicant's legal representative which will directly affect or be directly effect by or have a bearing on the Board's decision and pending appeal.

III. Status of Claims

This is an appeal to the Board of Patent Appeals and Interferences from the decision from the primary Examiner dated August 4, 2009, finally rejecting claims 2-14, 17-20, 22-35 and 37-42, and objecting to claims 15 and 16, which are pending in the above-identified patent application. Claims 1, 21 and 36 have been cancelled, and claims 2-14, 17-20, 22-35 and 37-42 have been finally rejected and are being appealed herein.

A clean copy of the claims on appeal is attached as Appendix A.

IV. Status of Amendments

Applicants request no amendments to the claims of record.

V. Summary of Claimed Subject Matter

Claim 2 defines an aspect of the present invention as providing a vehicle suspension assembly (§27, lns. 1 and 2) comprising a first control arm (§28, ln. 2) having a first end (§28, ln. 2) and a second end (§28, ln. 3), wherein the first end (§28, ln. 2) of the first control arm (§28, ln. 2) includes a first bushing (§30, ln. 2) adapted to pivotally couple the first control arm (§28, ln. 2) to a first frame member (§39, ln. 15) of a vehicle, and wherein the second end (§28, ln. 3) of the first control arm (§28, ln. 2) is adapted to be pivotally coupled to an axle (§27, ln. 3) of a vehicle, and a second control arm (§28, ln. 5) having a first end (§28, ln. 2) and a second end (§28, ln. 3), wherein the first end (§28, ln. 2) of the second control arm (§28, ln. 5) includes a second bushing (§30, ln. 2) adapted to pivotally couple the second control arm (§28, ln. 5) to a second frame member (§39, ln. 15) of the vehicle, and wherein the second end (§28, ln. 3) of the second control arm (§28, ln. 5) is adapted to be pivotally coupled to an axle (§27, ln. 3) of the vehicle. Claim 2 further defines the vehicle suspension assembly (§27, lns. 1 and 2) as comprising a rigid first torsional member (§28, ln. 7) coupled to the first control arm (§28, ln. 2) along a length of the first control arm (§28, ln. 2) rearward of the first bushing (§30, ln. 2) and forward of an axle (§27,

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ln. 3), and coupled to the second control arm (¶28, ln. 5) along a length of the second control arm (¶28, ln. 5) rearward of the second bushing (¶30, ln. 2) and forward of an axle (¶27, ln. 3), wherein the first torsional member (¶28, ln. 7) is fixedly coupled to the first control arm (¶28, ln. 2) proximate the first end (¶28, ln. 2) of the first control arm (¶28, ln. 2), and wherein the torsional member (¶28, ln. 7) is fixedly coupled to the second control arm (¶28, ln. 5) proximate the first end (¶28, ln. 2) of the second control arm (¶28, ln. 5), and a third control arm (¶28, lns. 10 and 11) having a first end (¶28, ln. 2) and a second end (¶28, ln. 3), wherein the first end (¶28, ln. 2) of the third control arm (¶28, lns. 10 and 11) is adapted to be pivotally coupled to a third frame member (¶39, ln. 15) of a vehicle, and wherein the second end (¶28, ln. 3) of the third control arm (¶28, lns. 10 and 11) is adapted to be pivotally coupled to at least a select one of the second frame members and an axle (¶27, ln. 3) of a vehicle.

Claim 18 defines another aspect of the present invention as providing a vehicle suspension assembly (¶27, lns. 1 and 2) comprising a first control arm (¶28, ln. 2) having a first end (¶28, ln. 2) and a second end (¶28, ln. 3), wherein the first end (¶28, ln. 2) of the first control arm (¶28, ln. 2) includes a first bushing (¶30, ln. 2) adapted to pivotally couple the first control arm (¶28, ln. 2) to a first frame member (¶39, ln. 15) of a vehicle, and wherein the second end (¶28, ln. 3) of the first control arm (¶28, ln. 2) is adapted to be pivotally coupled to an axle (¶27, ln. 3) of a vehicle, and a second control arm (¶28, ln. 5) having a first end (¶28, ln. 2) and a second end (¶28, ln. 3), wherein the first end (¶28, ln. 2) of the second control arm (¶28, ln. 5) includes a second bushing (¶30, ln. 2) adapted to pivotally couple the second control arm (¶28, ln. 5) to a second frame member (¶28, ln. 15) of the vehicle, and wherein the second end (¶28, ln. 3) of the second control arm (¶28, ln. 5) is adapted to be pivotally coupled to an axle (¶27, ln. 3) of the vehicle. Claim 18 further defines the suspension assembly as comprising a rigid first torsional member (¶28, ln. 7) coupled to the first control arm (¶28, ln. 2) along a length of the first control arm (¶28, ln. 2) rearward of and proximate to the first bushing (¶30, ln. 2) and forward of an axle (¶27, ln. 3), and coupled to the second control arm (¶28, ln. 5) along a length of the second control arm (¶28, ln. 5) rearward of and proximate to the second bushing (¶30, ln. 2) and forward of an axle (¶27, ln. 3), wherein the torsional member (¶28, ln. 7) is pivotally coupled to the first control arm (¶28, ln. 2), and wherein the first torsional member (¶28, ln. 7) is pivotally coupled to the second control arm (¶28, ln. 5), and a third control arm (¶28, lns. 10 and

11) having a first end (¶28, ln. 2) and a second end (¶28, ln. 3), wherein the first end (¶28, ln. 2) of the third control arm (¶28, lns. 10 and 11) is adapted to be pivotally coupled to a third frame member (¶39, ln. 15) of a vehicle, and wherein the second end (¶28, ln. 3) of the third control arm (¶28, lns. 10 and 11) is adapted to be pivotally coupled to at least a select one of the second frame members (¶28, ln. 15) and an axle (¶27, ln. 3) of a vehicle.

Claim 22 defines another aspect of the present invention as providing a vehicle suspension assembly (¶27, lns. 1 and 2) comprising a first control arm (¶28, ln. 2) having a first end (¶28, ln. 2) and a second end (¶28, ln. 3), wherein the first end (¶28, ln. 2) of the first control arm (¶28, ln. 2) is adapted to be pivotally coupled to a first frame member (¶28, ln. 15) of a vehicle, and wherein the second end (¶28, ln. 3) of the first control arm (¶28, ln. 2) is adapted to be pivotally coupled to an axle (¶27, ln. 3) of a vehicle, and a second control arm (¶28, ln. 5) having a first end (¶28, ln. 2) and a second end (¶28, ln. 3), wherein the first end (¶28, ln. 2) of the second control arm (¶28, ln. 5) is adapted to be pivotally coupled to the first frame member (¶28, ln. 15) of a vehicle, and wherein the second end (¶28, ln. 3) of the second control arm (¶28, ln. 5) is adapted to be pivotally coupled to an axle (¶27, ln. 3) of a vehicle. Claim 22 further defines the suspension assembly as comprising a rigid first torsional member (¶28, ln. 7) fixedly coupled to the first control arm (¶28, ln. 2) along a length of the first control arm (¶28, ln. 2), and fixedly coupled to the second control arm (¶28, ln. 5) along a length of the second control arm (¶28, ln. 5), and a third control arm (¶28, lns. 10 and 11) having a first end (¶28, ln. 2) and a second end (¶28, ln. 3), wherein the first end (¶28, ln. 2) of the third control arm (¶28, lns. 10 and 11) is adapted to be pivotally coupled to a select one of the first frame member (¶28, ln. 15), a second frame member (¶28, ln. 15), and a third frame member (¶39, ln. 15) of a vehicle, and wherein the second end (¶28, ln. 3) of the third control arm (¶28, lns. 10 and 11) is adapted to be pivotally coupled to an axle (¶27, ln. 3) of a vehicle wherein the third control arm (¶28, lns. 10 and 11) is positioned between the first and second control arms (¶28, ln. 2 and ¶28, ln. 5), and wherein the third control arm (¶28, lns. 10 and 11) is pivotably coupled with the first frame member (¶28, ln. 15).

Claim 29 defines another aspect of the present invention as providing a vehicle suspension assembly (¶27, lns. 1 and 2) comprising a first control arm (¶28, ln. 2) having a first end (¶28, ln. 2) and a second end (¶28, ln. 3), wherein the first end (¶28, ln. 2) of the first control

arm (¶28, ln. 2) is adapted to be pivotally coupled to a first frame member (¶28, ln. 15) of a vehicle, and wherein the second end (¶28, ln. 3) of the first control arm (¶28, ln. 2) is adapted to be pivotally coupled to an axle (¶27, ln. 3) of a vehicle, and a second control arm (¶28, ln. 5) having a first end (¶28, ln. 2) and a second end (¶28, ln. 3), wherein the first end (¶28, ln. 2) of the second control arm (¶28, ln. 5) is adapted to be pivotally coupled to the first frame member (¶28, ln. 15) of a vehicle, and wherein the second end (¶28, ln. 3) of the second control arm (¶28, ln. 5) is adapted to be pivotally coupled to an axle (¶27, ln. 3) of a vehicle. Claim 29 further defines the suspension assembly (¶27, lns. 1 and 2) as comprising a rigid first torsional member (¶28, ln. 7) coupled to the first control arm (¶28, ln. 2) along a length of the first control arm (¶28, ln. 2) proximate the first end (¶28, ln. 2) of the first control arm (¶28, ln. 2), and coupled to the second control arm (¶28, ln. 5) along a length of the second control arm (¶28, ln. 5) proximate the first end (¶28, ln. 2) of the second control arm (¶28, ln. 5), and a third control arm (¶28, lns. 10 and 11) having a first end (¶28, ln. 2) and a second end (¶28, ln. 3), wherein the first end (¶28, ln. 2) of the third control arm (¶28, lns. 10 and 11) is adapted to be pivotally coupled to a select one of the first frame member (¶28, ln. 15), a second frame member (¶28, ln. 15), and a third frame member (¶39, ln. 15) of a vehicle, and wherein the second end (¶28, ln. 3) of the third control arm (¶28, lns. 10 and 11) is adapted to be pivotally coupled to an axle (¶27, ln. 3) of a vehicle wherein the torsional member (¶28, ln. 7) is pivotally coupled to the first control arm (¶28, ln. 2), and wherein the first torsional member (¶28, ln. 7) is pivotally coupled to the second control arm (¶28, ln. 5).

Claim 32 defines another aspect of the present invention as providing a vehicle suspension assembly (¶27, lns. 1 and 2) comprising a first control arm (¶28, ln. 2) having a first end (¶28, ln. 2) and a second end (¶28, ln. 3), wherein the first end (¶28, ln. 2) of the first control arm (¶28, ln. 2) includes a first bushing (¶30, ln. 2) adapted to pivotally couple the first control arm (¶28, ln. 2) to a first frame member (¶28, ln. 15) of a vehicle, and wherein the second end (¶28, ln. 3) of the first control arm (¶28, ln. 2) is adapted to be pivotally coupled to an axle (¶27, ln. 3) of a vehicle, a second control arm (¶28, ln. 5) having a first end (¶28, ln. 2) and a second end (¶28, ln. 3), wherein the first end (¶28, ln. 2) of the second control arm (¶28, ln. 5) includes a second bushing (¶30, ln. 2) adapted to pivotally couple the second control arm (¶28, ln. 5) to a second frame member (¶28, ln. 15) of a vehicle, and wherein the second end (¶28, ln. 3) of the

second control arm (¶28, ln. 5) is adapted to be pivotally coupled to an axle (¶27, ln. 3) of a vehicle, and a rigid first torsional member (¶28, ln. 7) coupled to the first control arm (¶28, ln. 2) along a length of the first control arm (¶28, ln. 2) rearward of the first bushing (¶30, ln. 2) and forward of an axle (¶27, ln. 3), and coupled to the second control arm (¶28, ln. 5) along a length of the second control arm (¶28, ln. 5) rearward of the second bushing (¶30, ln. 2) and forward of an axle (¶27, ln. 3).

Claim 33 defines another aspect of the present invention as comprising a vehicle suspension assembly (¶27, lns. 1 and 2) comprising a first control arm (¶28, ln. 2) having a first end (¶28, ln. 2) and a second end (¶28, ln. 3), wherein the first end (¶28, ln. 2) of the first control arm (¶28, ln. 2) includes a first bushing (¶30, ln. 2) adapted to pivotally couple the first control arm (¶28, ln. 2) to a first frame member (¶28, ln. 15) of a vehicle, and wherein the second end (¶28, ln. 3) of the first control arm (¶28, ln. 2) is adapted to be pivotally coupled to an axle (¶27, ln. 3) of a vehicle, a second control arm (¶28, ln. 5) having a first end (¶28, ln. 2) and a second end (¶28, ln. 3), wherein the first end (¶28, ln. 2) of the second control arm (¶28, ln. 5) includes a second bushing (¶30, ln. 2) adapted to pivotally couple the second control arm (¶28, ln. 5) to a second frame member (¶28, ln. 15) of the vehicle, and wherein the second end (¶28, ln. 3) of the second control arm (¶28, ln. 5) is adapted to be pivotally coupled to an axle (¶27, ln. 3) of the vehicle, and a rigid first torsional member (¶28, ln. 7) coupled to the first control arm (¶28, ln. 2) along a length of the first control arm (¶28, ln. 2) rearward of the first bushing (¶30, ln. 2) and forward of an axle (¶27, ln. 3), and coupled to the second control arm (¶28, ln. 5) along a length of the second control arm (¶28, ln. 5) rearward of the second bushing (¶30, ln. 2) and forward of an axle (¶27, ln. 3) wherein the torsional member (¶28, ln. 7) is pivotally coupled to the first control arm (¶28, ln. 2), and wherein the first torsional member (¶28, ln. 7) is pivotally coupled to the second control arm (¶28, ln. 5).

Claim 37 defines another aspect of the present invention as providing a vehicle suspension assembly (¶27, lns. 1 and 2) comprising a first control arm (¶28, ln. 2) having a first end (¶28, ln. 2) and a second end (¶28, ln. 3), wherein the first end (¶28, ln. 2) of the first control arm (¶28, ln. 2) includes a first bushing (¶30, ln. 2) adapted to pivotally couple the first control arm (¶28, ln. 2) to a first frame member (¶28, ln. 15) of a vehicle, and wherein the second end (¶28, ln. 3) of the first control arm (¶28, ln. 2) is adapted to be pivotally coupled to an axle (¶27,

ln. 3) of a vehicle, and a second control arm (¶28, ln. 5) having a first end (¶28, ln. 2) and a second end (¶28, ln. 3), wherein the first end (¶28, ln. 2) of the second control arm (¶28, ln. 5) includes a second bushing (¶30, ln. 2) adapted to pivotally couple the second control arm (¶28, ln. 5) to a second frame member (¶28, ln. 15) of the vehicle, and wherein the second end (¶28, ln. 3) of the second control arm (¶28, ln. 5) is adapted to be pivotally coupled to an axle (¶27, ln. 3) of the vehicle. Claim 37 further defines the suspension assembly as comprising a rigid first torsional member (¶28, ln. 7) coupled to the first control arm (¶28, ln. 2) along a length of the first control arm (¶28, ln. 2) rearward of the first bushing (¶30, ln. 2) and forward of an axle (¶27, ln. 3), and coupled to the second control arm (¶28, ln. 5) along a length of the second control arm (¶28, ln. 5) rearward of the second bushing (¶30, ln. 2) and forward of an axle (¶27, ln. 3), wherein the first torsional member (¶28, ln. 7) is coupled to the first control arm (¶28, ln. 2) at a location along a length of the first control arm (¶28, ln. 2) that is closer to the first end (¶28, ln. 2) of the first control arm (¶28, ln. 2) than to a mid-point of the first control arm (¶28, ln. 2), and wherein the torsional member (¶28, ln. 7) is coupled to the second control arm (¶28, ln. 5) at a location along a length of the second control arm (¶28, ln. 5) that is closer to the first end (¶28, ln. 2) of the second control arm (¶28, ln. 5) than to a midpoint of the second control arm (¶28, ln. 5). Claim 37 further defines the suspension assembly as opening a third control arm (¶28, lns. 10 and 11) having a first end (¶28, ln. 2) and a second end (¶28, ln. 3), wherein the first end (¶28, ln. 2) of the third control arm (¶28, lns. 10 and 11) is adapted to be pivotally coupled to a third frame member (¶39, ln. 15) of a vehicle, and wherein the second end (¶28, ln. 3) of the third control arm (¶28, lns. 10 and 11) is adapted to be pivotally coupled to at least a select one of the second frame members (¶28, ln. 15) and an axle (¶27, ln. 3) of a vehicle.

Claim 39 defines another aspect of the present invention as providing a vehicle suspension assembly (¶27, lns. 1 and 2) comprising a first control arm (¶28, ln. 2) having a first end (¶28, ln. 2) and a second end (¶28, ln. 3), wherein the first end (¶28, ln. 2) of the first control arm (¶28, ln. 2) includes a first bushing (¶30, ln. 2) adapted to pivotally couple the first control arm (¶28, ln. 2) to a first frame member (¶28, ln. 15) of a vehicle, and wherein the second end (¶28, ln. 3) of the first control arm (¶28, ln. 2) is adapted to be pivotally coupled to an axle (¶27, ln. 3) of a vehicle, a second control arm (¶28, ln. 5) having a first end (¶28, ln. 2) and a second end (¶28, ln. 3), wherein the first end (¶28, ln. 2) of the second control arm (¶28, ln. 5) includes a

second bushing (§30, ln. 2) adapted to pivotally couple the second control arm (§28, ln. 5) to a second frame member (§28, ln. 15) of the vehicle, and wherein the second end (§28, ln. 3) of the second control arm (§28, ln. 5) is adapted to be pivotally coupled to an axle (§27, ln. 3) of the vehicle, and a rigid first torsional member (§28, ln. 7) coupled to the first control arm (§28, ln. 2) along a length of the first control arm (§28, ln. 2) rearward of the first bushing (§30, ln. 2) and forward of an axle (§27, ln. 3), and coupled to the second control arm (§28, ln. 5) along a length of the second control arm (§28, ln. 5) rearward of the second bushing (§30, ln. 2) and forward of an axle (§27, ln. 3), wherein the first torsional member (§28, ln. 7) is coupled to the first control arm (§28, ln. 2) at a location along a length of the first control member that is closer to a selective one of the first and second ends (§28, ln. 2 and §28, ln. 3) of the first control arm (§28, ln. 2) than to a mid-point of the first control arm (§28, ln. 2), and wherein the torsional member (§28, ln. 7) is coupled to the second control arm (§28, ln. 5) proximate the first end (§28, ln. 2) of the second control arm.

VI. Grounds of Rejection to Be Reviewed on Appeal

The Examiner finally rejected claims 2-9 and 11-14 under 35 U.S.C. §102 as being anticipated by VanDenberg, U.S. Patent No. 5,718,445, claim 10 under 35 U.S.C. §103 as being unpatentable over VanDenberg in view of Mair, U.S. Patent No. 6,409,280, claim 17 as being unpatentable over VanDenberg in view of Goby, U.S. Patent No. 2,823,927, claims 18-20 and 29-35 as being unpatentable over VanDenberg in view of Conover, U.S. Patent No. 6,832,772, and claims 2, 18-20 and 22-42 as being unpatentable over Buhl, U.S. Patent No. 5,711,544 in view of VanDenberg 5,882,031.

VII. Argument

A. Rejection of Claims 2-9 and 11-14, 32 and 36 Under 35 U.S.C. §102 as Being Anticipated by VanDenberg, U.S. Patent No. 5,718,445

Claims 2-9 and 11-14 were rejected under 35 U.S.C. §102(b) as being anticipated by VanDenberg, U.S. Patent No. 5,718,445. Applicants contend that VanDenberg '445 fails to provide a vehicle suspension assembly that comprises a first torsional member fixedly coupled to a first control arm and to a second control arm proximate a first end of each of the control arms, and therefore cannot anticipate that which is defined in claim 2.

Independent claim 2 defines a vehicle suspension assembly that comprises, among other things, a first control arm adapted to be pivotally coupled to a first frame member and an axle, a second control arm adapted to be pivotally coupled to a second frame member and an axle, and a rigid first torsional member coupled to the first control arm along a length of the first control arm rearward of a first bushing and forward of an axle, and coupled to the second control arm along a length of the control arm rearward of a second bushing and forward of an axle, and wherein the first torsional member is fixedly coupled to the first control arm proximate the first end of the control arm, and wherein the first torsional member is fixedly coupled to the second control arm proximate the first end of the second control arm. The Examiner argues that in VanDenberg '445 "[T]he torsional member 31 is situated proximate the first end 35 of the first control arm 14." See Office Action of August 4, 2009, page 3, lns, 11 and 12. However, VanDenberg '445 does not disclose the torsional member being coupled to associated control arms proximate an end thereof. Specifically, as best illustrated in Figs. 1 and 4 of VanDenberg '445, the stabilizer bar is affixed to associated control arms at nearly a midpoint of the control arms. While "proximate" is a relative term, it must be afforded the plain meaning within the context of the claim. As set forth in MPEP 2111.01, the words of a claim must be given their "plain meaning unless they are defined in the specification." Specifically, "ordinary, simple English words whose meaning is clear and unquestionable, absent any indication that their use in a particular context changes their meaning, are construed to mean exactly what they say." *Leibel-Flarsheim Co. v. Medrad, Inc.*, 358 F.3d 898, 906, 69 USPQ2d 1801, 1807 (Fed. Cir. 2004). *Merriam-Webster*, copyright 2007, defines "proximate" as "very near." As VanDenberg '445 fails to disclose a control arm that is "proximate" ends of associated control arms, it cannot anticipate that which is defined in newly independent claim 2.

Claim 8 defines the bushings of the first and second ends of the first and second control arms as each including an aperture extending therethrough, wherein the aperture is elongated, and is therefore also allowable over VanDenberg for this additional reason. The term "elongated" as used within claim 8 is clearly defined in the specification of the present application as replacing circularly-shaped apertures. See, paragraph 30. The bushing aperture as shown and described in VanDenberg '445 are symmetrical. Therefore, VanDenberg '445 cannot anticipate that which is defined in claim 8.

B. Rejection of Claim 10 Under 35 U.S.C. §103 as Being Unpatentable Over VanDenberg, U.S. Patent No. 5,718,445 in View of Mair, U.S. Patent No. 6,409,280

Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over VanDenberg in view of Mair, U.S. Patent No. 6,409,280. Applicants believe this rejection to be moot in view of the arguments set forth above. However, Applicants further note that the Mair patent is directed to, defines and discloses a truck and trailer hub and is non-analogous art. Specifically, claim 10 defines the coupling of a torsional member between control arms in the associated vehicle suspension assembly, while Mair discloses a truck and trailer axle hub. It is well known that the scope of pertinent prior art has been defined as that reasonably pertinent to a particular problem with which the inventor was involved. *Lindemann Maschine Fabrik GmbH v. American Hoist and Derrick Co.*, 730 F.2d 1452, 1460, 221 USPQ 481, 487 (Fed. Cir. 1984) quoting *Stratoflex, Inc. v. Aeroquip Corp.* 713 F.2d 1530, 1535, 218 USPQ 871, 876 (Fed. Cir. 1983). Moreover, the standard for finding obviousness is based on “ordinary skill in the art,” which in the present application are those associated with heavy duty vehicle suspension systems, not anyone of sufficient skill in the art of attaching a metal tubular member to another member, as is argued in the Office Action. Further, Applicants contend that the arguments that “Mair teaches using connections such as that described by Applicant to attach a tubular member of a vehicle to another member of said vehicle,” and “[b]ecause Mair involves the under-workings of a vehicle and teaches a method of connection in said area it is considered to be analogous,” [see Office Action of December 10, 2008, pg. 8, lns. 6-10], is based on gross generalizations and ignores the core technology to which Mair is related, namely, the construction of a truck and trailer hub, and not the attachment of torsional members to a trailing arm such as that defined in claim 10. Moreover, the Examiner’s statement that “[O]ne of ordinary skill in the art is generally familiar with parts of the vehicle other than the suspension system as well as other methods for attaching a somewhat torsional member to another portion of a vehicle” is conclusory in nature, and further indicates the Examiner is considering the skill of multiple arts, and not merely the one at hand. Finally, Applicant notes that the flange as disclosed by Mair is adapted for securing the associate hub to a wheel and brake drum assembly. Therefore, Applicants submit that it is improper to combine that which is taught in the respective references as they are non-analogous art, and that claim 10 is allowable over the art as cited.

C. Rejection of Claim 17 Under 35 U.S.C. §103 as Unpatentable Over VanDenberg 5,718,445 in View of Goby, U.S. Patent No. 2,823,927

Claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over VanDenberg '445 in view of Goby, U.S. Patent No. 2,823,927. Claim 17 defines the first and second control arms of claim 2 as each being substantially fork-shaped. In the rejections, the Examiner argues that Goby teaches a vehicle suspension system that comprises at least one control arm, the end of which is fork-shaped and attached to an associated vehicle's axle, and that it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teaches of Goby's fork-shaped control arm to the vehicle suspension assembly of VanDenberg et al. to reduce friction between the axle and the control arm. See Office Action of August 4, 2009, page 5, lines 4-10. However, Applicants are unsure as to how one would incorporate the forked-end of Goby with the bushings of VanDenberg, and contend that such a significant reconfiguration of that which is actually taught by Goby would not have been obvious.

D. Rejection of Claims 18-20 and 29-35 Under 35 U.S.C. §103 as Unpatentable Over VanDenberg, U.S. Patent No. 5,718,445 in View of Conover, U.S. Patent No. 6,832,772

Claims 18-20 and 29-35 were rejected under 35 U.S.C. §103 as being unpatentable over VanDenberg in view of Conover, U.S. Patent No. 6,832,772. Applicants contend that the Examiner has failed to present a prima facie case of obviousness, and that claims 18-20 and 29-35 are allowable over the art as cited. Claim 18 defines a vehicle suspension assembly that comprises, among other things, a torsional member that is pivotably coupled to first and second control arms proximate to bushings that pivotably couple the control arms to associated frame members. The Examiner argues that Conover teaches a torsion bar that is configured to be pivotably attached to a pair of control arms. However, Applicants note that it is impossible to pivot the tube (5) with respect to the lever arms (1, 2) subsequent to full assembly with the bolt, nut and washer assembly (6). The Examiner specifically argues that "the torsion member [of Conover] is indeed pivotally attached at its most base form to the control arms because the torsion member is attached in a manner at the control arms that would allow it to pivot without bolt 6 in place." See Office Action of August 4, 2009, page 8, lines 13-18. Applicants contend that a prima facie case of obviousness has not been met, and that Conover simply does not

disclose that which is being argued in the Office Action. Conover does not disclose the necessary pivoting motion unless Conover is modified from what it teaches. Therefore, claims 18-20 and 29-35 would not be obvious in view of the cited combination.

E. Rejection of Claims 2, 18-20 and 22-42 as Being Unpatentable Over Buhl, U.S. Patent No. 5,711,544, in View of VanDenberg, U.S. Patent No. 5,882,031

Claims 2, 18-20 and 22-42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Buhl, U.S. Pat. No. 5,711,544, in view of VanDenberg, U.S. Pat. No. 5,882,031. Applicant contend that neither Buhl nor VanDenberg '031 teach, motivate or suggest that which is defined in claim 2, either singularly or held in combination.

As noted above with respect to the §102 rejection of claim 2 based on VanDenberg '445, claim 2 defines a vehicle suspension assembly that comprises, among other things, a first control arm adapted to be pivotally coupled to a first frame member and an axle, a second control arm adapted to be pivotally coupled to a second frame member and an axle, and a rigid first torsional member coupled to the first control arm along a length of the first control arm rearward of the first bushing and forward to an axle, and coupled to the second control arm along a length of the control arm rearward of the second bushing and forward of an axle, and wherein the first torsional member is fixedly coupled to the first control arm proximate the first end of the control arm, and wherein the torsional member is fixedly coupled to the second control arm proximate the first end of the second control arm. Neither Buhl nor VanDenberg '031 disclose a torsional member that is fixedly coupled to a control proximate the end of the control arm. As best illustrated in Fig. 10 of Buhl, the stabilizer bar thereof is connected to associated control arms at two points 7, 8, which are located halfway between a center point of the control arm and the ends thereof. Applicants contend that the location of the points 7, 8 are not proximate an end of the control arms, in accordance with the plain meaning of the word "proximate." See, MPEP 2111.01, and *Leibel-Flarsheim Co. v Medrad, Inc.*

Applicants further contend that the rejection of claim 2 is based upon an improper picking-and-choosing of elements from the references as cited. It is well established that virtually all inventions are necessarily combinations of old elements, and that the notion, therefore, that combination claims can be declared invalid merely upon finding similar elements in separate prior patents would necessarily destroy virtually all patents and cannot be the law

under the statute, §103. *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561, 1575, 1 USPQ2d 1593, 1603 (Fed. Cir. 1987). Applicants note that the main crux of the invention as disclosed by Buhl is pivotable connection between the control arms and stabilizer bar, namely:

“a stabilizer bar 6 is arranged between the longitudinal control arms 2 and 3, and it is connected with its ends to one of the two longitudinal control arms 2 and 3 to rotate in unison, but limitedly movably in the longitudinal direction of the vehicle. This is achieved in the arrangement according to the example shown in FIGS. 1 and 2 by connecting the end of the stabilizer bar to the longitudinal control arms at two points 7 and 8 located at spaced locations from one another, wherein this connection is cardanically movable in order to make possible compensating movements. Ball joints designed as radial joints are preferably used for the articulation.”

See, Buhl, col. 2, ln. 64 through col. 3, ln. 8. Applicants contend that to replace the ball joints as disclosed by Buhl with a fixed connection as disclosed by the VanDenberg '031 would render the Buhl invention inoperable, and that one skilled in the art would not pick-and-choose precisely the features as defined in claim 2 for this reason. Therefore, the combination of Buhl and VanDenberg '031 do not render obvious that which is defined in claim 2.

Claim 18 defines a vehicle suspension assembly that comprises, among other things, a rigid first torsional member coupled to a first control arm along a length of the first control arm rearward of and proximate to the first bushing and forward of an axle, and coupled to a second control arm along a length of the second control arm rearward of and proximate to the second bushing and forward of an axle. As noted above with respect to the rejection of claim 2 based on a combination of Buhl and VanDenberg '031, and as discussed in detail above with respect to the VanDenberg '445 having a similar disclosure to VanDenberg '031, neither of these cited referenced teach, motivate or suggest coupling a torsional member to a control arm, proximate an end of the control arm, and in the case of claim 18, proximate to the bushing members as defined therein. As a result, claim 18 is patentable over the combination of Buhl and VanDenberg '031.

Claim 22 defines a vehicle suspension assembly that comprises, among other things, a rigid first torsional member fixedly coupled to a first control arm along a length of the first control arm, and fixedly coupled to a second control arm along a length of the second control arm. Applicants again contend that it would not have been obvious to replace the ball joints of

Buhl with a fixed couple for that same reason as stated above with respect to claim 2 and that claim 22 are not rendered obvious by the combination of Buhl, and VanDenberg '031.

Claim 29 defines a vehicle suspension assembly that comprises, among other things, a rigid first torsional member coupled to a first control arm along a length of the first control arm proximate the first end of the first control arm, and coupled to the second control arm along a length of the second control arm proximate the first end of the second control arm. Applicants contend that claim 29 is allowable over the combination of Buhl and VanDenberg '031 for similar reasons as those stated above with respect to claim 22.

Claim 32 defines a vehicle suspension assembly that comprises, among other things, a first control arm having a first end that includes a first bushing adapted to pivotally couple the first control arm to a first frame member of a vehicle, and a second control arm having a first end that includes a second bushing adapted to pivotally couple the first end of the second control arm to a second frame member of a vehicle. The Examiner argues that "Buhl fails to disclose the control arms of the suspension system being coupled to the frame via bushings at the first ends thereof." See, Office Action of August 4, 2009, pg. 6, lns. 17-19. The Examiner then argues that VanDenberg '031 teaches first and second control arms having first and second bushings adapted to pivotally couple the control arms to associated frame members, and that adding the bushed connections of VanDenberg '031 to that which is disclosed by Buhl "would have been obvious to one of ordinary skill in the art at the time of the invention to modify the suspension assembly of Buhl with the teaching of VanDenberg's bushings...to decrease friction between the frame and the control arm and to decrease production costs and ensure easier manufacturing of the torsional and control members." See, Office Action, pg. 7, lns. 9-13. Applicants contend that a prima facie case for obviousness has not yet been met. "A statement that modifications to the prior art to meet the claimed invention would have been 'well within the ordinary skill of the art at the time the claimed inventions was made' because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references." MPEP 2143.02(IV), citing *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). In the instant case, Applicants contend that there is no reason to believe that adding the bushings from VanDenberg to the control arms of Buhl would "decrease friction between the

frame and the control arm,” “decrease production costs,” and/or “ensure easier manufacturing of the torsional and control members.” In fact, adding the bushings as argued by the Examiner may actually result in higher production costs, and make the system more difficult to manufacture. In proceedings before the Patent and Trademark Office, the Examiner bears the burden of establishing a prima facie case of obviousness based upon the prior art. MPEP 2142; *In re Fritch*, 23 USPQ 2d 1780, 1783 (Fed. Cir. 1992). Applicants respectfully assert that the Examiner has not yet met his burden of establishing a prima facie case of obviousness with respect to the rejected claims.

Claim 33 defines subject matter similar to that as discussed above with respect to claim 32, is therefore allowable over the cited art for similar reasons.

Claim 37 defines a vehicle suspension assembly that comprises, among other things, a rigid first torsional member coupled to a first control arm along a length of the first control arm rearward of a first bushing and forward of an axle, and coupled to a second control arm along a length of the second control arm rearward of a second bushing and forward of an axle, wherein the first torsional member is coupled to the first control arm at a location along a length of the first control member that is closer to the first end of the first control arm than to a mid-point of the first control arm, and wherein the torsional member is coupled to the second control arm at a location along a length of the second control arm that is close to the first end of the second control arm than to a mid-point of the second control arm. Neither Buhl nor VanDenberg '031 disclose a torsional member coupled to a control arm at a point along the length of the control arm that is close to the first end (as it is defined in claim 37) than to a midpoint of the control arm. Although the Examiner argues that “it is observed in Fig. 2 [of Buhl] that the attachment point 7 of stabilizer bar 6 to control arm 2 is at a position along the control arm 2 that is closer to an end of the control arm than it is to a center point of the central arm 2,” this is simply not the case. The distance between the control arm and the end of the stabilizer bar are, at best, the same distance. Therefore, neither Buhl nor VanDenberg teach, motivate or suggest that which is defined in claim 37 either singularly or held in combination.

Claim 39 defines elements similar to those discussed above with respect to claim 37, and is therefore allowable over Buhl in view of VanDenberg for similar reasons. Claims 40-42 are

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dependent from claim 39 which is condition for allowance, and are therefore also in condition for allowance.

Accordingly, claims 2-20 and 22-42 are believed to be in condition for allowance and a Notice of Allowability is earnestly solicited.

VIII. Conclusion

Applicant respectfully submits that the art as cited does not anticipate or render obvious that which is defined in the currently-pending claims. Accordingly, Applicant submits that claims 2-14, 17-20, 22-35 and 37-42 are in condition for allowance, and earnestly solicit a Notice of Allowability.

Respectfully submitted,

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APPENDIX A - CLAIMS INVOLVED IN THE APPEAL (37 CFR §1.192(c)(8))

2. A vehicle suspension assembly, comprising:

a first control arm having a first end and a second end, wherein the first end of the first control arm includes a first bushing adapted to pivotally couple the first control arm to a first frame member of a vehicle, and wherein the second end of the first control arm is adapted to be pivotally coupled to an axle of a vehicle;

a second control arm having a first end and a second end, wherein the first end of the second control arm includes a second bushing adapted to pivotally couple the second control arm to a second frame member of the vehicle, and wherein the second end of the second control arm is adapted to be pivotally coupled to an axle of the vehicle;

a rigid first torsional member coupled to the first control arm along a length of the first control arm rearward of the first bushing and forward of an axle, and coupled to the second control arm along a length of the second control arm rearward of the second bushing and forward of an axle, wherein the first torsional member is fixedly coupled to the first control arm proximate the first end of the first control arm, and wherein the torsional member is fixedly coupled to the second control arm proximate the first end of the second control arm; and

a third control arm having a first end and a second end, wherein the first end of the third control arm is adapted to be pivotally coupled to a third frame member of a vehicle, and wherein the second end of the third control arm is adapted to be pivotally coupled to at least a select one of the second frame members and an axle of a vehicle.

3. The vehicle suspension assembly of claim 2, wherein the first torsional member is tube-shaped.

4. The vehicle suspension assembly of claim 2, wherein the first end of the first control arm is adapted to be pivotally coupled with a first linkage member that is fixedly attached to and extends downwardly from the first frame member.

5. The vehicle suspension assembly of claim 4, wherein the first end of the second control arm is adapted to be pivotally coupled with a second linkage member that is fixedly attached to and extends downwardly from the second frame member.

6. The vehicle suspension assembly of claim 5, wherein the second end of the third control arm is adapted to be pivotally coupled with a third linkage member that is fixedly attached to and extends upwardly from an axle.

7. The vehicle suspension assembly of claim 2, wherein the first bushing of the first end of the first control arm and the second bushing of the first end of the second control arm are each elastically deformable, and wherein the second end of the first control arm and the second control arm each include an elastically deformable bushing.

8. The vehicle suspension assembly of claim 7, wherein the bushings of the first and second ends of the first and second control arms each have an aperture extending therethrough, and wherein each aperture is elongated.

9. The vehicle suspension assembly of claim 7, wherein the first and second end of the third control arm each include an elastically deformable bushing.

10. The vehicle suspension assembly of claim 2, wherein the first torsional member includes a first flanged end and a second flanged end, and the first flanged end is fixedly coupled to the first control arm via at least one bolt extending through at least one aperture in the first flanged end and at least one aperture in the first control arm, and wherein the second flanged end is fixedly coupled to the second control arm via at least one bolt extending through at least one aperture in the second flanged end and at least one aperture in the second control arm.

11. The vehicle suspension assembly of claim 2, further including:

a first pneumatic suspension bag adapted to be positioned between the first frame member and an axle; and

a second pneumatic suspension bag adapted to be positioned between the second frame member and an axle.

12. The vehicle suspension assembly of claim 11, further including:
a third pneumatic suspension bag positioned between the first frame member and an axle;
and
a fourth pneumatic suspension bag positioned between the second frame member and an axle.
13. The vehicle suspension assembly of claim 2, further including:
a fourth control arm having a first end and a second end, wherein the first end of the fourth control arm is adapted to be pivotally coupled to the third frame member of a vehicle, and wherein the second end of the fourth control arm is adapted to be pivotally coupled to an axle of a vehicle.
14. The vehicle suspension assembly of claim 13, further including:
a rigid second torsional member fixedly attached to the third control arm along a length of the third control arm, and fixedly attached to the fourth control arm along a length of the fourth control arm.
17. The vehicle suspension assembly of claim 2, wherein the second end of the first control arm and the second end of the second control arm are each substantially fork-shaped.
18. A vehicle suspension assembly, comprising:
a first control arm having a first end and a second end, wherein the first end of the first control arm includes a first bushing adapted to pivotally couple the first control arm to a first frame member of a vehicle, and wherein the second end of the first control arm is adapted to be pivotally coupled to an axle of a vehicle;
a second control arm having a first end and a second end, wherein the first end of the second control arm includes a second bushing adapted to pivotally couple the second control arm to a second frame member of the vehicle, and wherein the second end of the second control arm is adapted to be pivotally coupled to an axle of the vehicle;
a rigid first torsional member coupled to the first control arm along a length of the first control arm rearward of the first bushing and forward of an axle, and coupled to the second

control arm along a length of the second control arm rearward of the second bushing and forward of an axle, wherein the torsional member is pivotally coupled to the first control arm, and wherein the first torsional member is pivotally coupled to the second control arm; and

a third control arm having a first end and a second end, wherein the first end of the third control arm is adapted to be pivotally coupled to a third frame member of a vehicle, and wherein the second end of the third control arm is adapted to be pivotally coupled to at least a select one of the second frame members and an axle of a vehicle.

22. A vehicle suspension assembly, comprising:

a first control arm having a first end and a second end, wherein the first end of the first control arm is adapted to be pivotally coupled to a first frame member of a vehicle, and wherein the second end of the first control arm is adapted to be pivotally coupled to an axle of a vehicle;

a second control arm having a first end and a second end, wherein the first end of the second control arm is adapted to be pivotally coupled to the first frame member of a vehicle, and wherein the second end of the second control arm is adapted to be pivotally coupled to an axle of a vehicle;

a rigid first torsional member fixedly coupled to the first control arm along a length of the first control arm, and fixedly coupled to the second control arm along a length of the second control arm; and

a third control arm having a first end and a second end, wherein the first end of the third control arm is adapted to be pivotally coupled to a select one of the first frame member, a second frame member, and a third frame member of a vehicle, and wherein the second end of the third control arm is adapted to be pivotally coupled to an axle of a vehicle wherein the third control arm is positioned between the first and second control arms, and wherein the third control arm is pivotally coupled with the first frame member.

23. The vehicle suspension assembly of claim 22, wherein the torsional member is tube-shaped.

24. The vehicle suspension assembly of claim 22, wherein the first end of the first control arm is adapted to be pivotally coupled with a first linkage member that is fixedly attached to and extends upwardly from an axle.

25. The vehicle suspension assembly of claim 24, wherein the first end of the second control arm is adapted to be pivotally coupled with a second linkage member that is fixedly attached to and extends upwardly from an axle.

26. The vehicle suspension assembly of claim 22, wherein the first and second end of the first control arm and the first and second end of the second control arm each include an elastically deformable bushing.

27. The vehicle suspension assembly of claim 26, wherein the first and second end of the third control arm each include an elastically deformable bushing.

28. The vehicle suspension assembly of claim 22, wherein the first end of the third control arm is adapted to be pivotally coupled to the second frame member, and further including:

a fourth control arm having a first end and a second end, wherein the first end of the fourth control arm is adapted to be pivotally coupled to the third frame member of a vehicle, and wherein the second end of the fourth control arm is adapted to be pivotally coupled to an axle of a vehicle.

29. A vehicle suspension assembly, comprising:

a first control arm having a first end and a second end, wherein the first end of the first control arm is adapted to be pivotally coupled to a first frame member of a vehicle, and wherein the second end of the first control arm is adapted to be pivotally coupled to an axle of a vehicle;

a second control arm having a first end and a second end, wherein the first end of the second control arm is adapted to be pivotally coupled to the first frame member of a vehicle, and wherein the second end of the second control arm is adapted to be pivotally coupled to an axle of a vehicle;

a rigid first torsional member coupled to the first control arm along a length of the first control arm proximate the first end of the first control arm, and coupled to the second control arm along a length of the second control arm proximate the first end of the second control arm; and

a third control arm having a first end and a second end, wherein the first end of the third control arm is adapted to be pivotally coupled to a select one of the first frame member, a second frame member, and a third frame member of a vehicle, and wherein the second end of the third control arm is adapted to be pivotally coupled to an axle of a vehicle wherein the torsional member is pivotally coupled to the first control arm, and wherein the first torsional member is pivotally coupled to the second control arm.

30. The vehicle suspension assembly of claim 29, wherein the first torsional member is pivotable with respect to the first and second control arms in a substantially vertical direction.

31. The vehicle suspension assembly of claim 30, wherein the first torsional member is pivotable with respect to the first and second control arms in a substantially horizontal direction.

32. A vehicle suspension assembly, comprising:

a first control arm having a first end and a second end, wherein the first end of the first control arm includes a first bushing adapted to pivotally couple the first control arm to a first frame member of a vehicle, and wherein the second end of the first control arm is adapted to be pivotally coupled to an axle of a vehicle;

a second control arm having a first end and a second end, wherein the first end of the second control arm includes a second bushing adapted to pivotally couple the second control arm to a second frame member of a vehicle, and wherein the second end of the second control arm is adapted to be pivotally coupled to an axle of a vehicle; and

a rigid first torsional member coupled to the first control arm along a length of the first control arm rearward of the first bushing and forward of an axle, and coupled to the second control arm along a length of the second control arm rearward of the second bushing and forward of an axle.

33. A vehicle suspension assembly, comprising:

a first control arm having a first end and a second end, wherein the first end of the first control arm includes a first bushing adapted to pivotally couple the first control arm to a first frame member of a vehicle, and wherein the second end of the first control arm is adapted to be pivotally coupled to an axle of a vehicle;

a second control arm having a first end and a second end, wherein the first end of the second control arm includes a second bushing adapted to pivotally couple the second control arm to a second frame member of the vehicle, and wherein the second end of the second control arm is adapted to be pivotally coupled to an axle of the vehicle;

a rigid first torsional member coupled to the first control arm along a length of the first control arm rearward of the first bushing and forward of an axle, and coupled to the second control arm along a length of the second control arm rearward of the second bushing and forward of an axle wherein the torsional member is pivotally coupled to the first control arm, and wherein the first torsional member is pivotally coupled to the second control arm.

34. The vehicle suspension assembly of claim 33, wherein the first torsional member is pivotable with respect to the first and second control arms in a substantially vertical direction.

35. The vehicle suspension assembly of claim 33, wherein the first torsional member is pivotable with respect to the first and second control arms in a substantially horizontal direction.

37. A vehicle suspension assembly, comprising:

a first control arm having a first end and a second end, wherein the first end of the first control arm includes a first bushing adapted to pivotally couple the first control arm to a first frame member of a vehicle, and wherein the second end of the first control arm is adapted to be pivotally coupled to an axle of a vehicle;

a second control arm having a first end and a second end, wherein the first end of the second control arm includes a second bushing adapted to pivotally couple the second control arm to a second frame member of the vehicle, and wherein the second end of the second control arm is adapted to be pivotally coupled to an axle of the vehicle;

a rigid first torsional member coupled to the first control arm along a length of the first control arm rearward of the first bushing and forward of an axle, and coupled to the second control arm along a length of the second control arm rearward of the second bushing and forward of an axle, wherein the first torsional member is coupled to the first control arm at a location along a length of the first control ~~member~~ arm that is closer to the first end of the first control arm than to a mid-point of the first control arm, and wherein the torsional member is coupled to the second control arm at a location along a length of the second control arm that is closer to the first end of the second control arm than to a midpoint of the second control arm; and

a third control arm having a first end and a second end, wherein the first end of the third control arm is adapted to be pivotally coupled to a third frame member of a vehicle, and wherein the second end of the third control arm is adapted to be pivotally coupled to at least a select one of the second frame members and an axle of a vehicle.

38. The vehicle suspension assembly of claim 37, wherein the first torsional member is rotatably coupled to the first and second control arms.

39. A vehicle suspension assembly, comprising:

a first control arm having a first end and a second end, wherein the first end of the first control arm includes a first bushing adapted to pivotally couple the first control arm to a first frame member of a vehicle, and wherein the second end of the first control arm is adapted to be pivotally coupled to an axle of a vehicle;

a second control arm having a first end and a second end, wherein the first end of the second control arm includes a second bushing adapted to pivotally couple the second control arm to a second frame member of the vehicle, and wherein the second end of the second control arm is adapted to be pivotally coupled to an axle of the vehicle; and

a rigid first torsional member coupled to the first control arm along a length of the first control arm rearward of the first bushing and forward of an axle, and coupled to the second control arm along a length of the second control arm rearward of the second bushing and forward of an axle, wherein the first torsional member is coupled to the first control arm at a location along a length of the first control member that is closer to a selective one of the first and second

ends of the first control arm than to a mid-point of the first control arm, and wherein the torsional member is coupled to the second control arm proximate the first end of the second control arm.

40. The vehicle suspension assembly of claim 39, wherein the first torsional member is rotatably coupled to the first and second control arms.

41. The vehicle suspension assembly of claim 39, wherein the first torsional member is fixedly coupled to the first and second control arms.

42. The vehicle suspension assembly of claim 39, further including:

a third control arm having a first end and a second end, wherein the first end of the third control arm is adapted to be pivotally coupled to a third frame member of a vehicle, and wherein the second end of the third control arm is adapted to be pivotally coupled to at least a select one of a first frame member, a second frame member and an axle of a vehicle.

APPENDIX B: 37 EVIDENCE SUBMITTED UNDER C.F.R §41.37(c)(1)(9)

No evidence was submitted under 37 C.F.R. §1.130, 1.131 or 1.132.

APPENDIX C: PRIOR ART DECISIONS UNDER 37 C.F.R. §41.37(c)(1)(10)

No prior decisions were rendered by a Court or the Board in a related appeal.